

Reconsideration of the above-identified application is respectfully requested in view of the following amendments and remarks.

REMARKS

Status of the Claims

Claims 1-15 and 42-63 have been withdrawn from consideration. Claims 1-15 and 42-62 have been cancelled herein.

Claims 26-41 are pending and have been rejected.

Claims 26, 27, 35 and 36 have been amended.

Support for the amendments to claims 26 and 35 can be found, *inter alia*, in the specification at page 12, line 21 through page 13, line 6.

Support for amendments to claims 27 and 26 can be found, *inter alia*, in the specification at page 14, line 4-6.

New claims 101-104 have been added. Support for new claims 101 and 102 can be found, *inter alia*, in the specification at page 12, line 21 through page 13, line 6.

Support for new claims 101 and 102 can be found, *inter alia*, in the specification at page 10, lines 7-8.

No new matter has been added.

Election/Restriction

In response to a restriction requirement, Applicants elected on September 22, 2006, to proceed with claims 26-41 (Group III). Applicants hereby affirm their election of claims 26-41 (Group III), and as such, cancelled non-elected claims 1-15 and 42-62.

Objections to the Claims

The Examiner has objected to claim 27 and 36. According to the Examiner, “Δ” should be replaced with “Å”. Applicants wish to thank the Examiner for pointing out this unintentional error. Claims 27 and 36 have been amended to replace “Δ” with “Å”. As such, this objection has been rendered moot.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 26, 29, 31, 35, 39 and 40 under 35 U.S.C. §102(b) as being anticipated by Mohamed et al. (“Redox Behavior of Copper Modenite Zeolite,” Journal of Materials Science, 30 (1995) 4834-4838). Applicants respectfully traverse this rejection.

According to the M.P.E.P., “to anticipate the claim, the reference must teach every element of the claim.” See M.P.E.P. §2131, Eighth Edition, Rev. Aug. 2005, at page 2100-67. The presently claimed invention is directed to “[a] stabilized metal-promoted aluminosilicate zeolite having a silica to alumina mol ratio of at least 8 and less than 30 and an FT-IR absorption peak at $3781 \pm 2 \text{ cm}^{-1}$.” See claim 1, as presently amended (emphasis added). As the Examiner states, Mohamed et al. is directed to mordenite zeolites containing sodium or copper. However, Mohamed et al. does not disclose the use of a metal-promoted aluminosilicate zeolite having a silica to alumina ratio of at least 8 and less than 30. Mohamed et al. does not disclose or suggest the silica to alumina ratios of the mordenite zeolites whatsoever. Mohamed et al. is totally silent on the silica to alumina ratios.

Furthermore, as the Examiner points out, Mohamed et al. also discloses a sodium containing mordenite having an IR spectra peak of 3780 cm^{-1} . See Mohamed et al. page 4836, col. 1, second to last paragraph. However, Mohamed et al. continues, “[t]he shoulder at 3780 cm^{-1} shifted to 3787 cm^{-1} upon copper addition.” See Mohamed et al. page 4836, col. 2, lines 6-7. Again, Applicants respectfully point out that Mohamed et al. does not disclose a stabilized metal-promoted aluminosilicate zeolite having a silica to alumina mol ratio of at least 8 and less than 30 and an FT-IR absorption peak at $3781\pm 2\text{ cm}^{-1}$, as presently claimed. A sodium mordenite is not a “metal-promoted” zeolite as is known by those of skilled in the art. The sodium form is the as synthesized or naturally occurring form of a zeolite and cannot be said to be “metal-promoted.”

Again, a patent cannot be anticipated unless the reference teaches every element of the claim. Mohamed et al. does not teach or suggest a zeolite having a silica to alumina mol ratio of at least 8 and less than 30. As such, Applicants respectfully assert that Mohamed et al. does not and cannot anticipate the presently claimed invention. Reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner has rejected claims 35-38 under 35 U.S.C. §102(b) as being anticipated by Creighton et al. ("Stereoselective Meerwein-Ponndorf-Verley and Oppenauer Reactions Catalyzed by Zeolite BEA," Journal of Molecular Catalysis A: Chemical, 115 (1997), 457-472). Applicants respectfully traverse this rejection.

The presently claimed invention is directed to “[a] stabilized metal-promoted aluminosilicate zeolite having a silica to alumina mol ratio of at least 8 and less than 30 and an FT-IR absorption peak at $3781\pm 2\text{ cm}^{-1}$.” See claim 1, as presently amended

(emphasis added). According to the Examiner, “Creyghton et al. discloses a zeolite beta having an FTIR peak at 3780 cm^{-1} and which has a peak area of greater than 0.05.” See Office Action at page 5, first paragraph. Applicants acknowledge this disclosure.

However, Applicants respectfully point out that the beta zeolites disclosed in Table 4 are H-BEA, acid washed forms of beta zeolite. The disclosed zeolites containing an FT-IR peak at 3780 cm^{-1} are not metal-promoted aluminosilicate zeolites, as presently claimed.

As such, Applicants respectfully assert that Creyghton et al. does not teach each and every element of the presently claimed invention, and thus, cannot and does not anticipate the presently claimed invention. Reconsideration and withdrawal of this rejection is respectfully requested.

Double Patenting Rejection

The Examiner has rejected to claims 26-41 on the grounds of obviousness-double patenting over claims 10-25 of U.S. Pat. No. 6,914,026.

The ‘026 patent teaches and claims a specific form of iron having a characteristic FT-IR peak at $3680 \pm 5\text{ cm}^{-1}$. This Fe(OH) peak is not claimed, disclosed or suggested in the present application. As such, Applicants respectfully assert that the presently claimed invention and the claims of the ‘026 patent are not directed to the same invention. Reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner has rejected to claims 26-41 on the grounds of obviousness-double patenting over claims 1-12 of U.S. Pat. No. 6,689,709.

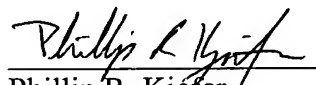
Applicants have considered this obviousness-type double patenting rejection. Once all art related issues have been resolved Applicants will file a terminal disclaimer to overcome this rejection.

Supplemental Information Disclosure Statement

Applicants submit herewith a Supplemental Information Disclosure Statement. The art cited in the Supplemental IDS was cited in the parent case of this application, U.S. App. Serial No. 09/712,210, which is now U.S. Pat. No. 6,689,709. U.S. Pat. Nos. 5,522,984 and 5,885,440 were cited against the '210 application. However, Applicants respectfully point out that the '984 patent does not disclose a silica to alumina mol ratio of at least 8 and less than 30 and an FT-IR absorption peak at $3781 \pm 2 \text{ cm}^{-1}$. The '440 patents does not disclose a metal-promoted aluminosilicate zeolite having an FT-IR absorption peak at $3781 \pm 2 \text{ cm}^{-1}$.

Respectfully submitted,

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Date


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